

1 UNITED STATES DISTRICT COURT  
2 EASTERN DISTRICT OF WISCONSIN  
3 \* \* \* \* \*

4 ESTATE OF MICHAEL EDWARD BELL, by Special  
5 Administrator Michael Martin Bell, KIM MARIE  
6 BELL, MICHAEL MARTIN BELL, and SHANTAE BELL,  
7 Plaintiffs,

8 vs. Civil Action No. 05-C-1176

9 OFFICER ERICH S. STRAUSBAUGH, OFFICER ERICH S.  
10 WEIDNER, LIEUTENANT DAVID H. KRUEGER, OFFICER  
11 ALBERT B. GONZALES, KENOSHA POLICE DEPARTMENT,  
12 CITY OF KENOSHA,  
13 Defendants.

14 \* \* \* \* \*

15 VIDEOTAPED DEPOSITION OF ERICH STRAUSBAUGH

16 TAKEN AT: KENOSHA CITY HALL  
17 LOCATED AT: 625 52nd Street  
18 Kenosha, Wisconsin  
19 April 30, 2007  
20 1:09 p.m. to 3:00 p.m.

21 REPORTED BY ANNICK M. TRIMBLE  
22 REGISTERED PROFESSIONAL REPORTER

23 \* \* \* \* \*

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1 A P P E A R A N C E S:  
2

3 CANNON & DUNPHY, S.C., by  
4 Mr. Patrick O. Dunphy  
5 595 North Barker Road  
6 Brookfield, Wisconsin 53008-1750  
7 Appearing on behalf of the Plaintiffs.

8 CANNON & DUNPHY, S.C., by  
9 Mr. Brett A. Eckstein  
10 595 North Barker Road  
11 Brookfield, Wisconsin 53008-1750  
12 Appearing on behalf of the Plaintiffs.

13 GUNTA & REAK, S.C., by  
14 Mr. Gregg J. Gunta  
15 219 North Milwaukee Street #500  
16 Milwaukee, Wisconsin 53202-5818  
17 Appearing on behalf of the Defendants.

18 GUNTA & REAK, S.C., by  
19 Mr. Kevin P. Reak  
20 219 North Milwaukee Street #500  
21 Milwaukee, Wisconsin 53202-5818  
22 Appearing on behalf of the Defendants.

23 ALSO PRESENT: Todd Campbell,  
24 videographer, Albert Gonzales, David  
25 Krueger, Erich Weidner, Randall Burner

I N D E X

22	Examination by:	Page
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24	Mr. Dunphy .....	5
25		

E X H I B I T S

Exhibit No.	Description	Page
55	Aerial map	17
56	Jakala ticket, police record, dispatch acts document	17
57	Findings of fact	30
58	Kenosha Police Department statement of Erich Strausbaugh	31
59	Photo of Erich Strausbaugh	95
60	Kenosha City/County Joint Services Evidence/Property Inventory Card	96

(The original exhibits were attached to the original transcript. Copies were provided to all counsel. The original Exhibit 55 was retained by Attorney Dunphy.)

(The original transcript was delivered to Attorney Dunphy.)

1 Q And you've just demonstrated for us what you  
2 mean by that statement, he was more to the  
3 right side of my body.  
4 A Correct.  
5 Q And at this point in time was officer -- excuse  
6 me -- Lieutenant Krueger on Michael Bell's  
7 back?  
8 A I don't believe so.  
9 Q At this point in time was your back against the  
10 Nissan?  
11 A Yes, it was.  
12 Q At this point in time did you have both hands  
13 free?  
14 A I don't recall.  
15 Q Were you ever able to get clear of Michael  
16 Bell's grasp?  
17 A Could you restate the question?  
18 Q Sure. You said that Michael Bell had grabbed  
19 you --  
20 A Okay.  
21 Q -- around your midsection, then pushed you into  
22 the car, and that you now had your back against  
23 the car and Michael Bell had his arms around  
24 you more to the right side -- his head was more  
25 to the right side of your body.

1 was so dynamic, I don't know how it happened.

2 Q But at some point it's your testimony that  
3 Michael Bell was no longer able to keep his  
4 arms around you, and how that happened you just  
5 don't recollect?

6 A I don't know.

7 Q And at that point in time where his arms are no  
8 longer around you, is that when his right hand  
9 went to your gun?

10 A I don't know what hand it was.

11 Q You don't know if it was his right or his left  
12 hand?

13 A It was at that point Michael Bell had my gun.  
14 I was unsure which hand it was.

15 Q Now, when he had your gun, your gun was in the  
16 holster, correct?

17 A That is correct, yes.

18 Q The gun never left the holster, did it?

19 A No, it did not.

20 Q Do you keep your firearm on safety or not?

21 A No, I do not.

22 Q So it was not on safety at the time that  
23 Michael Bell grabbed it?

24 A No.

25 Q Michael Bell had a hold of the butt end of the

1 gun?

2 A He had the handle itself, yes.

3 Q And he was pulling up on it forcefully?

4 A Yes, he was pulling on my weapon.

5 Q And at the time that he was doing that you had

6 your hand on top of the gun as well, didn't

7 you?

8 A Partially touching his hand and partially

9 touching my gun.

10 Q All right. You had your hand on the rear sight

11 of your firearm, as well as on top of Michael

12 Bell's hand?

13 A It was both, yes.

14 Q Was that your right hand or your left hand?

15 A My right hand.

16 Q What were you doing with your left hand --

17 A I don't know.

18 Q -- do you remember?

19 A I don't know.

20 Q At the time that you were struggling with

21 Michael Bell and he has his hand on your gun

22 did you yell out, "He's got my gun, he's got my

23 gun"?

24 A Yes, I did.

25 Q All right. Were you trained to do any type of